



Interview Summary: Privy Council Office – Intergovernmental Affairs Secretariat Panel (Michael Vandergrift and Louise Baird)

This witness summary should be read in conjunction with the institutional report prepared by the Privy Council Office (“PCO”).

The panel members were interviewed on August 31, 2022, by Gabriel Poliquin, Shantona Chaudhury, and Dahlia Shuhaibar. Questions about this summary should be directed to Ms. Shuhaibar.

Text contained in [square brackets] are explanatory notes provided by Commission counsel to assist the reader. Certain documents are referred to in the footnotes to assist the reader, but in some cases these documents were not shown to or discussed with the panel at the interview.

Background

Michael Vandergrift is Deputy Minister Intergovernmental Affairs (IGA) at the IGA Secretariat of PCO (“DM Vandergrift”). He was appointed to that position in August 2021. DM Vandergrift is one of six deputy ministers at PCO, not including the Clerk and Deputy Clerk of PCO. He is concurrently Deputy Secretary to the Cabinet for Plans and Consultations, a position to which he was appointed in January of 2022.

Louise Baird is Assistant Deputy Minister IGA (“ADM Baird”). She was appointed to that position in July 2019.

The IGA Secretariat’s position within the organizational and reporting structure of the federal government

DM Vandergrift explained that the IGA Secretariat is the supporting unit of government for the Minister of IGA, the Honourable Dominic LeBlanc (who is also the Minister of Infrastructure and Communities), as well as the minister appointed as the Quebec Lieutenant, the Honourable Pablo Rodriguez (who is also Minister of Canadian Heritage). IGA also supports the Prime Minister on matters of intergovernmental affairs. There is no “Department of Intergovernmental Affairs” that exists outside of, and independently from, PCO.

The IGA Secretariat, a relatively small secretariat, is further divided into teams, including the bilateral relations team and the multilateral relations team. ADM Baird noted that the bilateral relations team’s role is to conduct direct outreach to provinces and territories (collectively, “PTs”) and to maintain relations between federal and PT counterparts. Meanwhile, the multilateral relations team is charged with coordinating some multilateral federal-PT (FPT) events, such as first ministers’ meetings (FMMs), along with other internal to federal government responsibilities.



DM Vandergrift and ADM Baird explained that within the organizational structure of government, the IGA Secretariat often supports federal government entities and persons in connecting with their PT counterparts. To this end, the IGA Secretariat maintains a network of PT counterparts across the country (IGA equivalents), with whom they interact very regularly and through whom federal officials can determine the appropriate PT/ministry contact, when needed. Federal government departmental officials also maintain their own PT networks. The IGA Secretariat also supports high-level federal officials, such as the Minister of IGA and the Prime Minister, in their preparation for discussions with PT premiers or ministers. However, the IGA Secretariat is not always involved in the preparation of such meetings, as they may happen on an impromptu basis. The IGA Secretariat's role is not to direct policy in FPT relations, nor are federal and PT officials required to go through it to communicate with their counterparts. Once connections are made between federal and PT officials, they are free to communicate with the IGA Secretariat on the content of those communications, although there is no requirement to do so. DM Vandergrift noted that the Secretariat does not have an information aggregation or reporting role as regards FPT relations.

DM Vandergrift stated that the IGA Secretariat plays a central role in the preparation of FMMs. One component of that role is logistical—sorting scheduling issues, organizing conference calls or in-person meetings, securing translation services, etc. The second component of that role is to prepare the Prime Minister or other high-level federal officials for the meeting, i.e. preparing speaking notes, developing an agenda, etc.

ADM Baird noted that not all FMMs are prepared according to the same playbook; different situations require different manners of organization. In some cases, the preparation of an FMM will require the IGA Secretariat to work closely with other federal departments depending on the subjects on the agenda, as was the case for the FMMs that occurred at regular intervals during the COVID-19 pandemic.

ADM Baird noted that another forum for multilateral FPT relations are “expert tables,” which bring together FPT public officials who share expertise in a given subject matter; examples include the Public Safety FPT table or the Transport FPT table, both of which were existing fora that met frequently in January and February 2022. She explained that the IGA Secretariat may play a role in ensuring that FPT experts are connected at appropriate tables, but it does not play an active role in defining the substance of their discussions. IGA officials may be invited to an expert table if the situation requires it, but are not generally present at table meetings.

DM Vandergrift stated that the IGA Secretariat does not play a formal role when it comes to ensuring connections between the federal government and municipalities. Unlike what it does for PTs, the IGA Secretariat does not systematically keep a roster of municipal contacts with whom federal officials can connect. ADM Baird added that direct communications between the federal government and municipalities are relatively infrequent. That said, when the Prime Minister meets with a mayor, the IGA Secretariat may play a role in briefing him.



DM Vandergrift stated that the IGA Secretariat was made aware of the City of Ottawa's request for assistance, but did not play any role in dealing with it. [This request¹ was made on January 28 by Ontario Solicitor General Sylvia Jones to Ministers Marco Mendicino (Public Safety) and Blair (Emergency Preparedness). It requested that the federal government make the Cartier Drill Hall parking lot available to the Ottawa Police Service as a staging area.] DM Vandergrift explained that, generally speaking, requests for assistance are received by the department whose assistance is needed, usually Public Safety. The federal government received quite a few of these requests during the COVID-19 lockdown period, and during major natural disasters, such as wildfires. In such instances, provinces or municipalities would send formal requests usually consisting of a list of what they needed to handle the crisis. The request is then assessed internally by Public Safety in collaboration with other federal departments. The IGA Secretariat is not involved directly in responding to these requests, although often requests for assistance come to its attention via its PT IGA counterparts or federal colleagues. In these cases, the IGA Secretariat monitors progress of the federal response through updates or reports provided by lead departments.

High-level overview of the IGA Secretariat's roles and responsibilities during the events of January and February 2022

DM Vandergrift stated that in mid- to late-January 2022, amid rumours that a convoy was heading to Ottawa and that protests were getting organized, the IGA Secretariat's core responsibilities were not engaged. ADM Baird added that generally, PCO's activities at this juncture were to monitor and analyze what was going on in the public domain. PCO received status reports from other departments, but did not produce any of its own. DM Vandergrift noted that the development of events was a subject of discussion at daily operations meetings among PCO high-level officials during that initial period, but the subject did not dominate the agenda.

DM Vandergrift described the IGA Secretariat's role during the events of January and February 2022 as comprising two phases. The first phase consisted of the time prior to the organization of the FMM, which was called the night of February 13 and took place on February 14. During this period, the IGA Secretariat played a coordination role between FPT officials, but it was by no means a key player, as federal departments have their own FPT responsibilities. Transport and Public Safety were key departments where substantive FPT work was happening. To make sure FPT connections were working over this first phase, DM Vandergrift and ADM Baird both frequently checked in with their IGA counterparts at the provincial level, and in regular meetings with federal colleagues.

The second phase consisted of the organization of the FMM, the FMM itself, and liaising with provinces after the public order emergency was declared. Whereas the IGA

¹ PB.CAN.00001060_REL.0001.



Secretariat did not play a lead role in the first phase, it was the lead in organizing the FMM and preparing the *Report to the Houses of Parliament: Emergencies Act Consultations* (“Consultations Report”).² [This report, which is required by s. 58 of the *Emergencies Act*, was tabled as part of the motion to confirm the declaration of an emergency and discusses a number of communications between federal and provincial officials. The Consultations Report is discussed further below.]

Federal engagement with PT and municipal counterparts

Federal engagement with provinces and territories

DM Vandergrift reached out to certain of his counterparts in other provinces and territories to check in and see if they needed any assistance from the federal government. Other than with respect to the four provinces detailed below, events were generally under control in other PT jurisdictions and the IGA Secretariat was not called upon to further engage with them.³

Federal engagement with the Government of Ontario

DM Vandergrift had several engagements⁴ with his Ontario IGA counterpart, Deputy Minister Alexandra Sutton. He described these engagements as very collaborative and explained that they mainly consisted of making sure the right conversations were being had by the right people between the two levels of government. DM Vandergrift added that his engagement with DM Sutton was not the primary point of contact between Ontario and Canada, nor was it his expectation that it should be. The main objective of such calls was to inquire as to the needs of the Government of Ontario and to find out whether it required any assistance from the federal government.

DM Vandergrift was aware from other meetings he participated in that there were conversations between Canada and Ontario relating to transportation measures that could be implemented on the provincial level to help alleviate the blockade in Windsor and the situation in Ottawa. He noted that DM Sutton alluded to these conversations in a February 9 call, the first of two that day. DM Vandergrift was aware at the time that there were debates with Ontario on that subject, as well as disagreements as to whether events at the Ambassador Bridge in Windsor were within federal or provincial jurisdiction to resolve. DM Vandergrift indicated that, to his knowledge, the initial friction passed once Ontario declared its state of emergency on February 11. [On February 11,

² SSM.CAN.00000121_REL.0001.

³ A list of his engagements can be found in SSM.CAN.00000110_REL.0001.

⁴ SSM.CAN.00000110_REL.0001.



2022, the Province of Ontario declared a province-wide state of emergency under its *Emergency Management and Civil Protection Act*.]

DM Vandergrift explained that the second February 9 call with DM Sutton was to make sure she was aware that Prime Minister Trudeau was going to call Premier Ford that night. DM Vandergrift only heard at the last minute that the call was going to take place. He prepared some notes for the Prime Minister to use on his call.⁵ DM Vandergrift stated that these notes should not be used as a makeshift transcript for the call, as he does not know whether the Prime Minister used them. DM Vandergrift was not present on the call, nor were any other officials from the IGA Secretariat.

DM Vandergrift was aware of a call between Minister LeBlanc and Premier Ford on February 10,⁶ although neither DM Vandergrift nor any other officials from the IGA Secretariat participated in the call. DM Vandergrift stated that he provided the notes⁷ he had prepared for the Prime Minister's call with Premier Ford to Minister LeBlanc, although he was not sure whether they were used. [The readout of the call⁸ indicates that, at this time, Ontario's position had evolved and that it was ready to declare a state of emergency under the provincial legislation.] DM Vandergrift stated that Ontario's measures were positively received by the federal government; however, he did not know whether the February 9 and 10 calls played any part in the evolution of Ontario's position.

Federal Engagement with the Government of Alberta

DM Vandergrift reached out to Colleen Volk, Deputy Minister of Operations and Intergovernmental Relations in Alberta, a number of times. The IGA Secretariat was not otherwise involved in FPT engagement with the Government of Alberta; engagement took place at the expert tables or otherwise among provincial and federal ministers, including Premier Kenney.

Federal Engagement with the Government of Manitoba

[Premier Stefanson wrote a letter to Prime Minister Trudeau on February 11 asking for "immediate and effective federal action regarding the blockade activity" at the US border

⁵ SSM.CAN.00000088_REL.0001.

⁶ SSM.CAN.00000293_REL.0001. (The panel was not shown or referred to this document during the interview.)

⁷ SSM.CAN.00000088_REL.0001.

⁸ SSM.NSC.CAN.00000256_REL.0001, pp. 1-2.



in Manitoba.^{9]} DM Vandergrift followed up with his IGA counterpart in Manitoba, Deputy Minister Michael Richards, who told DM Vandergrift that Manitoba had everything it needed to deal with the blockade at Emerson and that the Premier's letter was more about issues related to the pandemic and vaccine mandates.¹⁰ ADM Baird was tasked with preparing a draft response from Prime Minister Trudeau,¹¹ but the letter was never sent because it was overtaken by events – namely, the FMM that took place on February 14, after which point the public order emergency was in place.

DM Vandergrift, accompanied by ADM Baird, also participated in a call with DM Richards and colleagues from the federal and provincial departments of justice on February 16.¹² The Deputy Minister of Justice and Deputy Attorney General of Canada, Francois Daigle, participated. From Manitoba, Jeremy Akerstream, Assistant Deputy Attorney General participated. DM Vandergrift noted that DM Richards and his Manitoba Justice colleague were very concerned that the consultation requirement in the *Emergencies Act* and the threshold for invoking it had not been met.

Federal engagement with the Government of Quebec

DM Vandergrift was in touch with his IGA counterpart in Québec, Deputy Minister Gilbert Charland, on February 3 and 15.¹³ Convoy-related events were under control in the province. DM Vandergrift described Québec as a kind of model for the use of transportation related measures to make sure things did not get out of hand. He added that Nova Scotia was likewise a model in this regard.

DM Vandergrift stated that once the public order emergency was declared, the Government of Québec was concerned about RCMP involvement in the province. On February 15, DM Vandergrift reached out to DM Charland and explained that emergency measures would only complement provincial measures if necessary and that the RCMP would not become involved in the province unless the Government of Québec needed it to be.

The First Ministers' Meeting

DM Vandergrift and ADM Baird organized the FMM that occurred virtually on the morning of February 14. The invitation was sent to the PT premiers on the evening of

⁹ PB.CAN.00000734_REL.0001.

¹⁰ SSM.CAN.00000110_REL.0001.

¹¹ PB.CAN.NSC.00000627_REL.0001.

¹² SSM.CAN.00000110_REL.0001.

¹³ SSM.CAN.00000110_REL.0001.



February 13. DM Vandergrift and ADM Baird stated that such meetings would usually be organized earlier than the night before an FMM, but in this instance it was not possible. The premiers did not receive any briefing material, nor did the invitation indicate what the meeting was about. DM Vandergrift explained that the reason for this was to avoid a leak of the subject matter such that premiers could express their views at the meeting without creating a public expectation around it.

DM Vandergrift and ADM Baird both attended the FMM, which lasted around an hour. [A summary of the FMM indicates that several premiers raised concerns including that invoking the *Emergencies Act* would inflame the situation and the fact that many of the protests and blockades had already cleared up.¹⁴] DM Vandergrift does not know whether there were discussions among Cabinet ministers following the FMM to discuss these concerns.

Following the FMM, DM Vandergrift organized two meetings of the IGA deputy ministers table—which brings together the federal, provincial, and territorial deputy ministers of IGA—on February 15 and 17. DM Vandergrift explained that the Deputy Clerk of the Privy Council, Nathalie Drouin, gave an overview of the emergency measures at the first meeting. The February 17 meeting followed up on some matters raised at the first meeting.

Content and preparation of the Consultations Report

DM Vandergrift stated that the IGA Secretariat was the lead in the preparation of the Consultations Report. DM Vandergrift noted that since this was the first time that the *Emergencies Act* was invoked, there was no playbook or precedent on how to prepare a consultations report as provided in the Act.

[The Consultations Report aggregates information obtained from the various, relevant departments. It contains a detailed list of engagements between the federal and provincial governments¹⁵ before going on to describe the FMM of February 14, 2022.] DM Vandergrift stated that the consultation requirement of the *Emergencies Act* was carried out during the FMM. To his and ADM Baird's knowledge, the *Emergencies Act* was not brought up during the meetings or communications listed in the “engagement” section of the report. However, they stated that the distinction between “engagements” and “consultation” is not necessarily a clear one; they are in separate sections to highlight the FMM, and the list of engagements is meant to show that there was a lot of FPT work in addressing the situation.

¹⁴ SSM.NSC.CAN.00000625. (The panel was not shown or referred to this document during the interview.)

¹⁵ Consultations Report, pp. 2-5.